

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DUANE BEATY,

Movant,

-against-

03-cr-01364 (LAK)

UNITED STATES OF AMERICA,

Respondent.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

Movant Duane Beaty, appearing *pro se*, has filed a 28 U.S.C. § 2255 motion, which seeks to vacate on several grounds his convictions on Counts Three, Four, and Six. (Dkt 223)¹

The defendant has filed several prior Section 2255 motions, the most recent of which challenged his conviction on Count Three in light of *United States v. Johnson*, 135 S. Ct. 2551 (2015) and *United States v. Davis*, 139 S. Ct. 2319 (2019). That motion proceeded with permission of the Court of Appeals and was resolved on the merits. *See* Dkt 218. Accordingly, this is a second or successive such motion and may not proceed without leave of the Court of Appeals.

The Clerk shall assign a civil docket number to this motion, as routinely is done with Section 2255 motions, collect any required filing fee, and transfer the motion to the Court of Appeals pursuant to *Liriano*.

The Clerk shall mail a copy of this order to the defendant at the address provided in Dkt 233 and so note on the docket.

SO ORDERED.

Dated: July 11, 2023



Lewis A. Kaplan
United States District Judge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-11-2023